85-486

No:

Supreme Court, U.S.
FILED
AUG 30 1985
JOSEPH F. SPANIOL, JR.
CLERK

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1985

VAOAHI KEALOHA BOYKIN a.k.a. KAY BOYKIN
PLAINTIFF-APPELLANT-PETITIONER PRO-SE

V.S.

REAGAN ADMINISTRATION, ET AL
DEFENDANT-APPELLEES RESPONDENTS

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURTS OF APPEAL FOR THE SECOND CIRCUIT

Vaoahi Kealoha Boykin
353 West 57th., Street
NEW YORK CITY. N.Y.10019

8 pp

QUESTIONS PRESENTED FOR REVIEW:

1. Whether the amendments to the Original Complaints and Motion for Reconsiderations (Federal Rule of Civil Procedure 52(b)) spelled out in the "Nature of the Case" and alleged in the "Cause of Actions" guarantee a Constitutional Claim under the "ACT OF CONGRESS OF APRIL 20TH., 1871", specifically SECTION 1 and 2. 17 STAT.13. TITLE 8 U.S.C.SECTION 43 and 47(3) now TITLE 42 U.S.C.1983 and 1985(3)and SECTION 6.17 STAT.15. TITLE 8 U.S.C. SECTION 48; now TITLE 42 U.S.C. SECTION 1986.

2. Whether the aforementioned Act of Congress granted appellant a right as a "NATIONAL CITIZEN OF THE UNITED STATES OF AMERICA" to:

a. Claim Individual Federal Civil Rights Violation and Civil Liability against Private Defendant-Appellees and their alleged co-conspirators and potent-

-ial third party defendants only in their Individual Capacities without reference to the State Laws and their Administrations.

b. Petition the Legislators of Congress and Senate including the News Media on NATIONAL SECURITY ISSUES concerning PUBLIC HEALTH AND WELFARE.

3. Whether the "MOTION FOR RECONSIDERATION" filed July 30th., 1985 under Federal Rules of Appellate Procedure 3(b) requesting Reliefs under Rule 27(b) should be granted.

LISTS OF NAMES OF PARTIES TO THE ACTIONS

The following list is a complete list of present and future potential parties to the actions:

PLAINTIFF APPELLANT AND PETITIONER:

Vaoahi Kealoha Boykin a.k.a. Kay Boykin (Appearing PRO-SE)

DEFENDANT-APPELLEES AND RESPONDENTS:

1. CIVIL APPEAL FILE NO. 85-6034.

Reagan Administration

Richard Valentine Fisher

Marvin Lovelien

Edward V. Fitzpatrick

Peter Tyahla

Robert M. Suazo

Michael J. Hopkins

2. CIVIL APPEAL FILE NO. 84-7960.

Canaan National Bank

James S. Hatch

Federal Comptroller of Currency*

Special Agent of F.B.I., Conn.Division*

Ronald E. Cassidento*

THE FOLLOWING ARE COMPLETE LISTS OF ATTORNEYS TO THE ACTIONS:

1. REAGAN ADMINISTRATION

c/o: Alan H. Nevas, United States Atty
Leslie C. Ohta, Ass't U.S. Atty
United States Attorney Office
450 Main Street, Room 328
Hartford, CT. 06103

2. MR. PETER TYAHLA

69 Anderson Drive
Clifton, N.J. 07013

3. MR. ROBERT M. SUAZO

P.O. Box 24161
Cleveland, OH. 44124

4. MR. MICHAEL J. HOPKINS

3 Overlook Drive
Meriden, CT. 06450

5. CANAAN NATIONAL BANK, JAMES HATCH

c/o: Robert E. Beach Jr.
P.Bryden Manning
Grant H. Miller Jr.
Geoffery Naab

LAW OFFICES OF NAAB & DANFORTH

60 Washington Street, Suite 1205

Hartford, CT. 06106

6. MR. RONALD E. CASSIDENTO

Law Offices of Ronald Cassidento

543 Prospect Avenue

West Hartford, CT. 06105

7. MR. RICHARD VALENTINE FISHER**

MR. MARVIN LOVELIEN**

MR. EDWARD V. FITZPATRICK**

8. VAOAHI KEALOHA BOYKIN***

c/o: Francesco Caroppo

353 West 57th.Street, #1273

New York City, N.Y. 10019

NOTE:

(*) pending third-party defendants

(**) whereabouts unknown, status have alleged clearly and precisely in the Main Brief, Pages 1 & 2.

(***) Petitioner secures the Legal Services of: Mr. Marvin B. Segal and Mr. Vincent Schiano when calls for.

TABLE OF AUTHORITIES:

CASES:

Haines v. Kerner

404 U.S. 519 (1972)

Oster v. Oronwald

567 F.2d. 551, 553 (2nd. Cir. 1977)

Adickes v. S.H. Kress and Co.,

398 U.S. 144 (1969)

FEDERAL STATUES:

Title 28 U.S.C. Section 1331, 1332, 1343

17 Stat. 13.Title 8 U.S.C. Section 43

17 Stat. 13.Title 8 U.S.C. Section 47(3)

17 Stat. 15.Title 8 U.S.C. Section 48

Title 42 U.S.C. Section 1983, 1985(3) &

1986.

CONSTITUTIONAL PROVISIONS:

U.S. Const. Amends XIV, Section 1, 13th,

5th., 4th., and 1st. amendments.*

(*) all inclusive.

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IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1985

NO._____

VAOAHI KEALOHA BOYKIN a.k.a. Kay Boykin.

Plaintiff-Appellant Petitioner

VS.

REAGAN ADMINISTRATION, ET AL.

Defendant-Appellees Respondents

PETITION FOR A WRIT OF CERTIORARI TO THE SECOND SIRCUIT COURTS OF APPEAL.

The Petitioner, Vaoahi K. Boykin, believes in the Democratic System, respects the integrity of those who administers Justice and prays that a Writ of Certiorari be granted under the United States Supreme Court Rule 18.

OPINIONS OR REPORTS DELIVERED IN THE COURTS BELOW:

RE: APPEAL 84-7960.

On May 9th., 1985, the three panel of

of Judges,(Pratt, Lasker, Van Graafeiland) issued a "Summary Order" stated:

> Vaoahi Kealoha Boykin appeals from a Judgment of the United States District for the District of Connecticut (Dorsey, J.) dismissing AppellantAction for failure to state a claim under 42 U.S.C.1983. We affirm substantially for the reasons set forth in the District Court's memorandum of October 22nd, 1984.

On May 23rd.,1985 and within 14 days as required by Rule 40, appellant filed a 8 pages "PETITION FOR REHEARING" and requested that it be heard in "BANC" under Rule 35.

On July 18th.,1985, a "Court Order" was filed stated:

> A Petition for Reahearing have been filed herein by Plaintiff-Appellant, Vaoahi Kealoha Boykin, Pro-se. Upon consideration thereof, it is ORDERED that said petition be and hereby is DENIED.

On July 23, 24 and 30th., 1985, appellant personally, in a letter explained and in a "MOTION FOR CONSOLIDATION" filed under Federal Rules of Appellate Procedure 3(b)

requested Reliefs under Rule 27(b) to:

1. Merge by joining both Appeals into one file citing the "NEW TITLE" in the "CAPTION".

2. To issue a "NEW RE-SCHEDULING ORDER" into the Court Calendar for "ARGUMENT".

3. TERMINATE previous "COURT ORDER" in conjunction with Appeal 84-7960, specifically July 18th., 1985, pursuant to appellant letter July 23rd., 1985.***

(***) See appendix for further details of "AFFIDAVIT"and "EXHIBITS".

RE: APPEAL 85-6034:

The amended complaints supported by a "REPLY BRIEF-DECLARATION" is still pending for argument and opinion of the Court but appellant wishes that this Honorable Court review the entire files.

JURISDICTION OF THIS COURT:

The Jurisdiction of this Court is invoked under Title 28 U.S.C. Sections 1331, 1332 and 1343, relating to "Sacred Rights" set up and claimed under the Constitution and Laws of the United States.

CONSTITUTIONAL PROVISIONS AND FEDERAL STATUES INVOLVED:

CONSTITUTIONAL PROVISIONS:

U.S. CONSTITUTION AMEND. XlV, SECTION 1 PROVIDES:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they resides. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; or shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within it's jurisdiction the equal protection of the Laws.

U.S. CONSTITUTION AMEND. XIII PROVIDES:

(SECTION 1.)

> Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

(SECTION 2.)

> Congress shall have power to enforce this article by appropriate legislation.

U.S. CONSTITUTION AMEND. V PROVIDES:

> No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, exception in cases arising in the land or naval forces, or in the Militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself nor to be deprived or life, liberty or property without due process of Law; nor shall private property be taken for public use, without just compensation.

U.S. CONSTITUTION AMEND.IV PROVIDES:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

U.S. CONSTITUTION AMEND. I PROVIDES:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

o o o OOO o o o

FEDERAL STATUES:

17 Stat.13; Title 8 U.S.C.43. now

Title 42 U.S.C. 1983. provides:

> Every person who, under color of any Statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, priveleges, or immunities secured by the Constitution and laws, shall be liabel to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia

17 Stat.13.;Title 8 U.S.C.47(3). now

Title 42 U.S.C. 1985(3) provides:

> If two or more persons in any State of Territory conspire or go in disguise on the highway or on the premises of another for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges

and immunities under the Laws; or for the purpose of preventing or hindering the constituted authorities of any State or Terrritory from giving or securing to all persons within such State or Territory the equal protection of the Laws; or if two or more personsconspire to prevent by force, intimidation or threat any citizen who is lawfully entitled to vote from giving his support or advocacy in a legal manner, toward or in favor of election of any lawful qualified person as an elector for President or Vice President, or as a member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more person engaged therein do, or cause to be done, andy act in furtherance of the object of such conspiracy whereby another is unjured in his person or property, or deprived of having and exercising any right or privileges of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation against anyone or more of the conspirators.

17 Stat.15.;Title 8 U.S.C.48.,

now Title 42 U.S.C. 1986 provides:

> Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to preventor aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding $5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

STATEMENT OF THE CASE:

There are two Civil Appeals at bar. Both Actions were dismissed in the Federal District Court, Hartford, Connecticut, by the same Judge, Joseph Dorsey, for failure to state a "Constitutional Claim". Appellant appealed from that Judgment under "Federal Rules of Civil Procedure 52(b) to "AMEND THE COMPLAINTS" and under Rle 59 for a "JURY TRIAL".

In the United States Court of Appeals for the Second Circuit, Appellant briefs on both appeals had been timely filed according to court scheduling orders.

Prior to that, on February 11th., 1985 appellant anticipated in filing motions. One of which was a "MOTION FOR CONSOLIDATION"(already mentioned earlier).

Defense attorney and U.S.C.A. Clerk for the Second Circuit, through their letters, stopped appellant from action. This action which seemed to be timely

purposeful to delay and "Stonewall" in favor of defendants unequivocably deprived appellant of "Procedural Due Process Right". Appellant demands retraction, retroactively and in consistent with all "proposed motions" included in the Notice therein.

On November 23rd., 1984, appellant filed her "PRE-ARGUMENT STATEMENT, FORM C".*** All "CONSTITUTIONAL CLAIMS AND ISSUES"*** pertained to both appeals were fully disclosed to the Court.

Nevertheless; civil action 85-6034 wasn't dismissed yet until January 22nd., 1985, when Judge Dorsey ruled on appellant "MOTION FOR RECONSIDERATION" held:

> January 18, 1985: Plaintiff's motion for reconsideration is granted, notwithstanding it's untimeliness, Local Rule 9(e), and upon reconsideration, the order dismissing the action is adhered to. The careful reading required by Haines v. Kerner, 404 U.S. 519 (1972), of both the instant motion-containing in essence a propo-

sed amended complaint-and the entire file fails to reflect the pleading of allegations sufficient to state a claim against these private defts. cognizable under the federal civil rights laws or any common law tort theory. SO ORDERED. Peter C.Dorsey, U.S.D.J.

Appellant, Vaoahi Kealoha Boykin, have consistently stated that:

1. The "Constitutionality" of her claims have been properly "exhausted" in the briefs as reflective in this petition.

2. The "Nature of both Appeals" and "Cause of Actions" derived from "Common Nucleus of Facts".

3. That pending motions to "CONSOLIDATE", bring in third party defendants, re-activation of Compliance Orders to proceed with "CERTIFIED PLAN"(Subpoenas), "Discovery" and finally "CHANGE OF VENUE"to the Federal Court in Manhattan, New York City, where she resides are her wishes and they should be granted if it is in the "Interest of Justice"

NOTE: (***) U.S. Constitutional Amend. First, Fourth, Fifth,Thirteenth... See prev. pages 5 and 6. Federal Statues also pages 7,8 and 9.

THE FOLLOWINGS ARE AMENDMENT STATEMENT OF ISSUES RELEVANT TO THE ISSUES PRESENTED FOR REVIEW:

STATEMENT AND NATURE OF THE CASE:

Vaoahi Kealoha Boykin is a U.S.Citizen. She jointly engaged, directly and indirectly participated in a collective efforts as an "Independent Contractor" with all defendants in a "Special Business Transaction" which claimed and have confirmed to be ligitimate and bonafide on both sidesmeaning that the "Lender group" and the "Borrower" are real and engaged in a valid transaction to solicit and procure legal monies for the United States Government through the Treasury Department and

it's "Mandated Agents authorized by PRESIDENT REAGAN".

The United States Congress and the U.S. Senate have passed a "Bill" raising the Debt Limit thereby giving the Treasury Department "Power" to to "Borrow" for the United States Government.

Appellant and Defendants were to be paid a "Certain percentage for Commission" upon and after the successful consummation of this transaction.

The Lender Group was required to accept the "Fee Arrangement" and to enter it as an "Irrevocable Part of Contract" with U.S.Treasury/U.S.Government. The Lender Group did confirm "Acceptance" of this arrangement by "Telegram" and went further to state that they were "ready to close Uncle Transaction".

On the other hand, the "Fee Arrangement" was "guarantee personally by one, Mr. True BLUE", and went further, stated

that all "Names and Social Security Nos. had been lodged in the BORROWER'S DEPARTMENT COMPUTER".

Appellant believes that this Special Transaction was closed somewhere between July 14th., 1983... the day of her unlawful arrest... and November 1983, which in between appellant was investigated without her knowledge. There were too much events going on at that time, and later surfaced, thereby leading appellant to reach this conclusion. However; the "ISSUES" here are relating to the circumstances caused by defendants in the course of her involvement. They do speak for themselves.***

During the course of this endeavour from the first time of her involvement in June 1982 all through Summer of 1983 and until November 1983, appellant had "EXPERIENCED AND SUFFERED DISCRIMINATION"

(***) See appendix... Reply brief-Declaration.

CAUSE OF ACTIONS. (BOTH APPEALS)

Amendments to the Original Complaints and Motion for Reconsiderations.

UNDER THE ACT OF CONGRESS, APRIL 20TH., 1871, APPELLANT CLAIMS:

"CONSPIRACY WITH CONCIOUS EFFORTS TO INFLUENCE, CONSPIRACY WITH CONCIOUS EFFORTS TO COERCE, CONSPIRACY WITH MALICIOUS INTENTIONS TO DENY, FOR THE PURPOSE OF DEPRIVING, INTERFERING AND NEGLECTING TO PROTECT AND SECURE THE EQUALITY OF EQUAL PROTECTION OF THE LAWS AND EQUALITY OF EQUAL PRIVILEGES AND IMMUNITIES UNDER THE LAWS.....by

1. Prevention and Obstruction of Justice to give equality of protection and security of the law to appellant's truthful character that she is not and never was a criminal/or suspected to be mistreated as one thereby hindering her sincere efforts and ultimate goal enjoyed by all

defendants from United States Government through their superiors, the Federal Bureau of Investigation and the United States Treasury (Men) during and while entire times thereafter appellees and appellant jointly engaged and collectively participated in the "Lawful Activity" to solicit and procure legal funds in the "INTEREST OF UNITED STATES GOVERNMENT OF AMERICA", whereby...

2. Defendants misconducts caused and subjected appellant to be discriminated against because she is a woman, she belongs to a certain class and associated with a business group unacceptable to defendants and their superiors thereby preventing her from having and exercising her Federal and granted protected rights to: "Pursue Interests in Life as a citizen of the United States, to give and continue solicitation in support and advocacy of United States Economic Interest,

which appellant believed was good for all citizens of the United States and "Humanity" in general, regardless whether it's "Republican or Democratic Administration in the White House, Treasury Department, etc...",whereas,

3. The Defendant's Conspiracy with concious efforts to influence and coerce their superiors caused and inflicted injury on appellant during her advocacy in the "NATIONAL INTEREST" as appellant was finally led to be "FALSELY ARRESTED" and went through "INTERROGATION"by the special agent of the Federal Bureau of Investigation, whose name and identity had been invoked by defendants prior and earlier in the early part of June 1983, giving threatening warning of an "ARREST" to be "CARRIED OUT" anytime which in fact "MATERIALIZED"on July 14th., 1983. Appellant was and being investigated by the Federal Bureau of Investigation for

for several months which appellant never aware of.

The "FALSE ARREST" and MALICIOUS CHARGES OF CONSPIRACY TO DEFRAUD, FRAUD BY WIRE AND FRAUD BY MAIL and the CONTINUED INVESTIGATION" was a "cover-up" and a part of " concerted efforts to legitimize for the sake of legal process and in the same time to smear and criminalize the character of appellant in the eyes of defendants and others in order to legally reject her which seemed to be the "Bottom Line" and "Wishes" of defendants.

The U.S. Attorney, Mr. Alan H. Nevas, finally cleared appellant of any crime as they never had no merit to begin with. Nevertheless;

4. Defendants conspiracy was still in progressive form despite the overt acts perpetrated on the innocent special agents to "accomplish". Defendant-Appellees led Appellant to believe that she was

still a part of the activity after the "unlawful arrest". Appellant persistency and consistent efforts finally led to the final part as she was denied the opportunity to prove herself "beyond reasonable doubt" that her interest is more than equivalent to that of defendants and no doubtedly more "Honorable" than just being "self interest..." whereas,

5. Defendants Conspiracy with "Malicious Intentions to Deny the EQUALITY of Equal PRIVILEGES AND IMMUNITIES under the Law, was finally "MATURED" when they "SINGLED" her out "COMPLETELY" and rejecting her involvement and refusing to include her in further dealings because "Her name had just finally showed up in the Treasury Computer that she had been arrested and charged with serious crimes and had been "Classified Non-grata"...whereby,

6. Defendants Conspiracy seriously affected appellant "mentally" and "Emoti-

onally", caused distrust to loose faith in the System which "CAUSED APPELLANT TO BRING THIS LAW SUIT"and to raise the issues solely in the "INTEREST OF JUSTICE" and to get to the "BOTTOM OF TRUTH", if any, secured exclusively by the Constitution and Laws of the United States, created and enacted to protect all "NATIONAL CITIZEN" within the United States of America, irrespective of State Residency, Political Affiliation, Official or Individual/or Private Capacities..."

SUMMARY:

Appellant hereby causes to allege that a "CIVIL CONSPIRACY" had long been in "Motion" under the color of "SOVEREIGN IMMUNITY, PROGRESSIVELY to DISCRIMINATE because she is a "WOMAN" and of ETHNIC BACKROUND", she belongs to a "Religious Organization" and "Affiliated" with a "Business Entity" totally "Unacceptable"

to defendants and their superiors. Defendants Conspiracy was "SUCCESSFUL" and "FULLY MATURED" when they "SINGLED HER OUT", preventing and denying her Federal granted rights, guaranteed by the "EQUALITY OF EQUAL PROTECTION, EQUALITY OF EQUAL PRIVILEGES AND IMMUNITIES UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES TO: Engage and make Contract and to be made a part thereof; to travel freely in pursue and support thereof; and to finally enjoy the same protection and security extended and expected in the course thereof.

Appellant alleges that she "suffered" injury and damages to her person and property in the course of her joint activity and participation with defendants in the "ECONOMIC INTEREST OF THE UNITED STATES OF AMERICA"

REASONS FOR GRANTING THE PETITION FOR WRIT OF CERTIORARI:

1. The "CONSTITUTIONALITY" of appellant's Claims have not been reviewed or decided yet.

2... The remaining "COMMON LAW CLAIMS" of FALSE ARREST, MALICIOUS PROSECUTION, DEFAMATION, BREACH OF FAITH AND TRUST TO COMMIT FRAUD WITH DECEPTION, INTERFERENCE WITH CONTRACTUAL RELATION AND INFLICTION OF EMOTIONAL DISTRESS, whereas "PENDENT JURISDICTION" must be used are neither to be overlooked nor be excluded from this HONORABLE COURT DECISIONAL PROCESS.

3. The Citation of Authorities in comparison to my case I believe are too narrow, without prejudices. While all the above are U.S.Citizens and certainly entitle to the same Constitutional protection of the Laws of the United States

Appellant submits to this Honorable Court that the "NATURE OF THE CASE AT BAR AND THE CAUSE OF ACTIONS" must be differentiated and be distinguished to some degree above all.

4. Nevertheless; appellant in her "PETITION FOR REHEARING", File 84-7960, have stated, with analogy to:

a) Adickes v. S.H.Kress & Co.
398 U.S. 144 (1969)

Appellant claims of Civil Conspiracy and Discrimination proved to have been existed in the original locale where defendants/appellees unlawful entrapment and selective discriminatory false arrest took place, i.e. inside defendants Canaan National Bank's place of business and very eyes and presence of Bank President, James S.Hatch; who had long ignored and neglected to resist the evilness of their own misconducts.

Secondly, it further existed inside

the Federal Bureau of Investigation Office located on the 6th. floor of the Federal Building, Hartford, Connecticut, through the interrogative tactics of special agent in charge, Alonso L. Lacey. THEREFORE, DISMISSAL SHOULD BE REVERSED.

b) Oster v. Oronwald,
567 F.2d. 551, 553.(2nd.Cir.1977)

Appellant Claims of Civil Conspiracy and Discrimination are covered pending:

1. Motion to bring in third party defendants.

2. By joining and "Consolidating" this action together with Civil Appeal 85-6034 whereas both cases involve the same "nature and Cause of Action" as have outlined so far.

5. STATEMENTS OF FACTS:

a) District Court erred in dismissing appellants complaints on Civil Conspiracy and Discrimination Claims. These

charges were fully alleged in the Transcripts of Deposition Hearing on August 20, 1984 which defendant-appellees and their attorneys have successfully suppressed from plaintiff-appellant and petitioner clearly stated by the court reporter who recorded the events that she is not an attorney. This tactics violated appellant "Due process rights for a fair and speedy trial." Secondly, defense attorney misrepresented and lied when they promised in the beginning of such deposition that transcripts will be ready in 21 days. Their intentions were later confirmed when they didn't follow-up and it was never a hidden fact that appellant went to the Deposition Hearing without an attorney and went further to answer their questions that "she had suffered tremendous fear and paranoia caused distrust to loose faith." Appellant had asked in her "Motion,,Notice of Waiver to be Self-Rep-

represented" filed prior to the dismissal of the Complaints back in the U.S.District Court, Hartford, Connecticut that defendaants should submit to the court that appellant is "INCOMPETENT" in order for her to revoke her "Constitutional Rights for free speech and self-expression/representation".

b) Defendant-Appellees "MOTION TO DISMISS" was granted and became "SUMMARY JUDGMENT" failed to deny the existence of genuine issues brought forth by appellant.

c) With reasons outlined in Pages 4,5 & 6 of Appellant Reply Brief, the JUDGMENT entered in FAVOR OF APPELLEES MOTION TO DISMISS SHOULD BE OVERTURNED.

6. The "REPLY BRIEF-DECLARATION", 10 pages plus two letters each five and three pages as exhibits "A and B" including "C to F" will undoubtedly provide all evidences in factual details. This DECLARATION also applies to both cases at bar.

CONCLUSION:

And GOD CREATED ALL MEN EQUAL; THE CONSTITUTION ABIDE BY IT, NEVERTHELESS; I WAS SEGREGATED AND DISCRIMINATED AGAINST.

The REAGAN ADMINISTRATION, it's surrogate agents... the POWER ABUSERS, my SEGREGATORS AND DISCRIMINATORS, joined efforts and coerced with others used unlawful tactics with unlawful means not only to injure but to carry out their goal of Segregation and Discrimination through entrapment, false arrest, malicious prosecution and defamation.

They INTERFERED and DEPRIVED me of my Constitutional Rights to LIFE and LIVELIHOOD.

I refuse to be SUBSERVIENT and victimized on account of SEX/OR RACE. I cannot change GOD'S CREATION.

Those who gave SANCTUARY and CARTE-BLANCHE ENDORSEMENT in support of Discrimination must be sanctioned and penalized and to held EQUALLY ACCOUNTABLE FOR CIVIL CONSPIRACY.

In the FACE OF OUR CONSTITUTION and on behalf of THOSE LIKE ME, whose HOPES and DREAMS are DESTROYED BY SEGREGATION AND DISCRIMINATION and never have a REAL CHANCE to be COUNTED and INCLUDED WITH THE MAJORITY, I plea whole-heartedly and urge all of you to review and rehear my case. Without that, this law suit of civil action don't have no meaningful purpose.

Wherefore, the "Petition for Writ of Certiorari" should be granted in accord with all good reasons aforementioned and within the United States Supreme Court Rule 18 but not to exclude Rule 17.2

Thank you very kindly,

With respect...Faithfully submitted,

The Petitioner.

By: _____

Ms. Vaoahi Kealoha Boykin
Plaintiff-Appellant PRO-SE
353 West 57th.,St, #1273
NEW YORK CITY,N.Y.10019
212/265-6100 Ext: 1273

Originally Dated: Friday Aug.,30, 1985

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"APPENDIX"

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

Vaoahi Kealoha Boykin (aka) Kay Boykin

v.s.

Federal Bureau of Investigation, et al

Civil Appeal: H-84-773 PCD

JUDGMENT

This action having come on for consideration of the defendant's Hopkins, Tyahla and Suazo motions to dismiss before the Honorable Peter C. Dorsey, United States Dsitrict Court, and

The Court having considered the full record of the case including applicable principles of law, and the Court having filed its Order granting the motions and dismissing the plaintiff's complaint,

It is accordingly ORDERED, ADJUDGED and DECREED that judgment be and is hereby entered dismissing the plaintiff's complaint. Dated at Hartford, Connecticut, this 18th day of December 1984.

Kevin F. Rowe, Clerk.

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

Vaoahi Kealoha Boykin (aka) Kay Boykin

V.S.

Canaan National Bank, et al

Civil Appeal: H-84-772-PCD

JUDGMENT

This action having come on for consideration of the defendant's motion to dismiss before the Honorable Peter C.Dorsey, United Dsitrict Judge, and

The Court having considered the full record of the case including applicable principles of law, and the Court having filed its Ruling of Defendant's Motion to Dismiss granting the motion,

It is accordingly ORDERED,ADJUDGED and DECREED that judgment be and is hereby entered in favor of the defendants, dismissing the plaintiff's complaint.

Dated at Hartford, Connectinut, this 26th day of October 1984.

Kevin F. Rowe, Clerk.

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

Vaoahi Kealoha Boykin (aka) Kay Boykin

v.s.

Federal Bureau of Investigation, et al

Civil Action: H-84-773 (PCD)

ORDER

In the interest of justice and with the consent of the Honorable M. Joseph Blumenfeld, Senior United States District Judge, the above-identified case is hereby transferred to the docket of Judge Dorsey.

Dated at Hartford, Connecticut, this 3rd day of October, 1984.

Peter C. Dorsey

United States District

Judge.

United States District Court

District of Connecticut

Vaoahi Kealoha Boykin (aka) Kay Boykin

v.s.

Federal Bureau of Investigation, et al

Civil Action: H-84-773-PCD

January 18, 1985: Plaintiff's motion for reconsideration is granted, notwithstanding it's untimeliness, Local Rule 9(e), and upon reconsideration, the order dismissing the action is adhered to. The careful reading required by Haines v. Kerner, 404 U.S. 519 (1972), of tje both the instant motion-containing in essence a proposed amended complaint- and the entire file fails to reflect the pleading of allegations sufficient to state a claim against these private defts. cognizable either under the federal civil rights laws or any common law tort theory. SO ORDERED Peter C. Dorsey, U.S.D.J.

UNITED STATES COURT OF APPEALS

For the Second Circuit

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the ninthe day on May, One Thousand Nine Hundred and Eighty-five.

PRESENT:

HON. ELLSWORTH A. VAN GRAAFEILAND, C.J.
HON. GEROGE C. PRATT, C.J.
HON. MORRIS E. LASKER, D.J.*

----------x

VAOAHI KEALOHA BOYKIN
a/k/a KAY BOYKIN,

Plaintiff-Appellant

v.

CANAAN NATIONAL BANK and JAMES S. HATCH, President,

Defendants-Appellees

ORDER - 84-7960.

Vaoahi Kealoha Boykin appeals from a judgment of the United States District Court for the District of Connecticut

(Dorsey, J.) dismissing appellant's action for failure to state a claim under 42 U.S.C. 1983. We affirm substantially for the reasons set forth in the district court's memorandum of October 22, 1984.

Hon. Ellsworth A. Van Graafeiland

Hon. George C. Pratt

Hon. Morris E. Lasker

N.B. Since this statement does not constitute a formal apinion of this court and is not uniformaly available to all parties, it shall not be reported, cited or otherwise used in unrelated cases before this or any other court.

* Of the United States District Court for the Southern District of New York, sitting by designation.

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the eighteenth day of July one thousand nine hundred and eighty-five.

Present:

Hon. Ellsworth A. Vangraafeiland, C. J.

Hon. George C. Pratt, C. J.

Hon. Morris E. Lasker, D. J.

Vaoahi Kealoha Boykin

Plaintiff-Appellant

v.

Canaan National Bank and James S. Hatch, President,

Defendant-Appellees

Civil Appeal: 84-7960

A petition for rehearing having been filed herein by Plaintiff-Appellant Vaoahi Kealoha Boykin, Pro-se,

Upon consideration thereof, it is ORDERED that said petition be and it hereby is DENIED.

Elaine B.Goldsmith, Clerk.

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

VAOAHI KEALOHA BOYKIN
a/k/a Kay Boykin

-vs-

CANAAN NATIONAL BANK, et al

CIVIL ACTION NO. H-84-772 (PCD)

RULING ON PLAINTIFF'S
MOTION FOR RECONSIDERATION

An ex-parte letter dated October 26, 1984 received by the undersigned on October 30, 1984, conveys plaintiff's requests for reconsideration of the ruling of October 22, 1984, dismissing this action and for the appointment of counsel.

Upon reconsideration, the ruling is adhered to. Plaintiff's complaint is devoid of intelligible and non-conclusory allegations which state a constitutional wrong against the private defendants cognizable under 42 U.S.C. 1983.

Plaintiff's motion for the appointment of counsel is denied, without prejudice to renewal upon compliance with the provisions of Local Rule 29(b), i.e. the filing of an in forma pauperis affidavit and a written application for appointed counsel. Plaintiff is directed to the criteria of Local Rule 28(b)(4), i.e.: (1) the nature and complexity of the action; (2) the potential merit of the claims set forth in the pleadings; (3) the inability of the pro-se party to retain counsel by other means; (4) the degree to which the interest of justice will be served by the appointment of counsel; and (5) any other factors deemed appropriate. The present record is wholly lacking as to plaintiff's lack of means and/or her inability to retain private counsel. Indeed, at or prior to the outset of this litigation, plaintiff was represented by counsel.

Additionally, plaintiff is cautioned

that the rules of practice do not permit ex-parte communications (i.e. communications between one party and the court or vice versa). Any further filings shall be copied to each other party's counsel and shall contain a certification to the effect that a copy has thus been provided. The court will transmit to the defendants along with a copy of this ruling a copy of plaintiff's correspondence dated October 26, 1984.

SO ORDERED.

Dated at Hartford, Connecticut, this 1st day of November, 1984.

Peter C. Dorsey
United States District Judge

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

VAOAHI KEALOHA BOYKIN
a/k/a Kay Boykin

-vs-

CANAAN NATIONAL BANK, et al

Civil Action No. H-84-772 (PCD)

RULING OF DEFENDANT'S
MOTION TO DISMISS

This pro-se plaintiff has resisted the strongest admonition to secure the assistance of counsel. Thus, the court must apply standards to which a pro-se party is obliged without becoming or appearing to become as advocate for that party. Viewing plaintiff's complaint with the liberality to which it is entitled, it must be dismissed.

By her complaint plaintiff appears to allege that defendants, a Connecticut bank and its president, deprived her of constitutional rights in the context of

their dealings with a contemplated loan of $20,000,000,000, upon the consummation of which plaintiff would become entitled to a substantial commission. She claims, under 42 U.S.C. 1983, compensatory damages of $5,000,000 and punitive damages of $20,000,000.

To the extent that plaintiff bases her claim on the defendants' asserted role in the scuttling of her business transaction, even the liberality mandated by Haines v. Kerner, 404 U.S. 519 (1972), cannot vest a private wrong with constitutional significance. Plaintiff attempts to assert a constitutional wrong arising from al allegedly false arrest which, at one point she says was accomplished by defendants and at another involved acts of defendants which led to her arrest. She has failed to plead any sufficient connection between the instant private defendants and the federal agents who may have arrested her.

Any constitutional wrong perpetuated by the federal agents - presumably redressableif at all under Bivens v. Six unknown Named Agents of the FBI, 403 U.S. 388 (1974) - cannot be blithely imputed to the defendants by analogy to Adickes v. S.H. Kress & Co., 398 U.S. 144 (1969) (allegations that a private person conspired with as official acting under state law state a claim under 1983).

At best, plaintiff alleges that defendant bank and it's president induced plaintiff into pursuing or continuing negotiations when, at defendants' behest with defendants' knowledge, and without informing her, she had become a subject of federal agents' investigative efforts. See "Revision to Motion for More Definite Statements" at 4-5. The investigation led to her arrest. The criminal charges against her were subsequently dismissed. She has not alleged in any intelligible

nonconclusory manner the respect in which her arrest was unlawful nor how its claimed unconstitutional quality is attributable to the bank and its president. Notwithstanding Haines, such conclusory allegations cannot withstand a motion to dismiss. See Oster v. Oronwald, 657 F.2d 551, 553 (2d Cir. 1977) (where allegations of conspiracy in civil rights complaints are not supported by factual detail in the form of specific instances of alleged wrongdoing, dismissal is required). Her claim that defendants used "the force of law to deprive the Plaintiff of her Federally granted rights" asserts no factual basis having in mind all the claims in her complaint, revised more definite statement and objection to dismissal, from which this court can find a cognizable constitutional claim. The remaining claims, perhaps including false arrest, malicious presecution,

defamation, interference with a contractual relation and fraud, may be litigated in state court if they have merit.

Accordingly, this action must be and hereby is dismissed.

SO ORDERED.

Dated at Hartford, Connecticut, this 22nd day of October, 1984.

Peter C. Dorsey
United States District Judge.

EX-PARTE LETTER OF PLAINTIFF DATED OCTOBER 26th, 1984, WHICH HONORABLE JUDGE DORSEY RULED ON AS MOTION FOR RECONSIDERATION.

353 West 57th. St, 1273
New York, N.Y. 10019
October 26th., 1984.

The Honorable Peter C. Dorsey
United States District Court
450 Main Street, Chamber Room 210
Hartford, CY. 06103

RE: Your Ruling on Defendant's Motion to Dismiss - dtd October 22, 1984, BOYKIN v.s. CANAAN NATIONAL BANK, et al, Civil Action: H-84-772 (PCD)

Dear Judge Dorsey:

With all due respect, allow me to express my humblest apology.

My "Notice of Waiver to be Self-Represented" didn't mean to disrespect by becoming or appearing to become an

advocate.

I have been victimized and vindicated. For so long, I trusted an attorney with all informations and materials he wanted. He did not perform. He drove me closer and closer to the cliff. I finally decided to take controll with great bitterness. Altogether, they created tremendous fear and paranoia to distrust. In the same time I show some willingness to compromise without loosing faith by looking up to you as a last resort for justification not for punishment.

The "Changed Circumstances" caused me to to apply directly to you now for appointment of counsel pursunat to "United States District Court-District of Connecticut Local Rule of Civil Procedure i.e. Rule 28 - B3.

There are "reasonable Doubts" that your Ruling might or could have been the

opposite if I had access to the Deposition Hearing Transcripts in order to intelligibly prepare my "Objection Motion to Dismiss" or at least the Court had a chance to review and study the original contexts in which discrepancies and weak ness in my claims could have proven some merit. In addition, my "Certified Plan" could have supported in more factual details.

Altogether, I believe that my Constitutional Rights to Privacy and Liberty under the 1st, 4th., 5ht., & 13th. Amendments are constructed and incorporated in the 14th. Amendment Due Process and Equal Protection Clause&.

For the foregoing reasons, I appeal for a possible reversal of your ruling and appointment of a counselor.

I thank you very kindly,

Yours sincerely,

Vaoahi Kealoha Boykin.

APPELLANT LETTER OF NOTIFICATION TO FILE MOTIONS FEBRUARY 11th., 1985

353 West 57th., St,1273

New York, N.Y. 10019

February 11, 1985.

To:Robert E. Beach Jr.
P. Brden Manning
Geoffery Naab
Grant H. Miller Jr.
LAW OFFICES OF NAAB & DANFORTH
60 Washington Street, Suite 1205
Hartford, Ct. 06106.

RE: CIVIL ACTION H-84-772-PCD (U.S.C.A. 84-7960) BOYKIN v. CANAAN NATIONAL BANK, ET AL.

Dear Gentlemen:

This letter is to formally notify you that the Plaintiff will move to file motions on the followings, by Monday February 25th., 1985.

1. Preliminary Injunction

2. Change of Venue

3. To Consolidate by enjoining this Action with H84773PCD as disclosed to U.S.C.A. -2nd. Circuit in "Civil Appeal Pre-Argument Statement-Form C,

filed 11/23/1984.

4.To re-activate my "Request for Compliance Orders" filed October 25th., 1984, Docket entry No.25, Appendix and Exhibit A. in the Brief & Appendix filed with U.S.C.A. - 2nd. Circuit January 28th., 1985.

If there will be any objection from your side, I will appreciate being so informed and stated clearly and precisely as soon as possible otherwise I take that you accept my action.

Thank you,

Yours faithfully,
The Plaintiff.
Vaoahi K. Boykin
(Pro-se Litigant)

Copies to:

1. U.S.D.C., Hartford, CT.
2. U.S.C.A,, Foley Square, N.Y.

DEFENSE ATTORNEY REPLY TO APPELLANT AFORE-MENTIONED LETTER OF FEBRUARY 11th., 1985.

(On their letter-head)

Law Offices of NAAB & DANFORTH
60 WASHINGTON STREET, SUITE 1205
HARTFORD, CONNECTICUT 06106
(203) 278-5360

February 20, 1985

Ms. Vaoahi K. Boykin
C/O Francesco Caroppo
Henry Hudson Hotel, Rm 1273
353 West 57th. Street
New York, N.Y. 10019

RE: BOYKIN V. CANAAN NATIONAL BANK
Our File No. 840296CAN
U.S. District Court Docket No. H-84-772PCD.
U.S. Court of Appeals-Second Circuit Docket No. 84-7960

Dear Ms. Boykin:

I do not necessarily "accept" or agree to the filing of any of the proposed motions set forth in your letter of February 11, 1985. The Court will decide whick, if any, of your proposed motions it will consider. I will respond as appropriate or necessary.

In the future, please don not attempt to

imply consent by silence. You are, of course, free to take whatever actions you feel are appropriate. I will respond accordingly.

Thank you for your cooperation.

Very truly yours,

P. Bryden Manning

PBM:bza

cc: U.S.District Court
U.S. Court of Appeals

RESPOND FROM THE CLERK OF THE UNITED STATES COURT OF APPEALS, SECOND CIRCUIT

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT
UNITED STATES COURT HOUSE
FOLEY SQUARE, NEW YORK 10007

February 20, 1985.

Ms. V.K.Boykin
c/o Francesco Caroppo
353 W. 57th Street, Suite 1273
New York, NY 10019.

Re: Boykin v. Canaan National Bank, No. 84-7960

Dear Ms. Boykin:

I am returning the copy of a letter addressed to Robert E. Beach Jr., and others, which was received in this office of Februaty 15, 1985. The contents of this letter pertain to actions you intend to take at some time in the future. As such, it is not pertinent to any matters which have been filed in this case in accordance with the Federal Rules of Appellate Procedure or otherwise appropriate for filing at this time. In the event that you seek to file motions on your case at some time in the future, a determination will be made at that point whether they conform to the requirements for filing in this office.

Very truly yours, Elaine B. Goldsmith,
(Clerk)

AFFIDAVIT OF PETITIONER ACCOMPANIED AND ATTACHED WITH APPELLANT MOTION FOR CONSOLIDATION FILED JULY 30th, 1985 AT UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT, FOLEY SQUARE.

I, Vaoahi Kealoha Boykin do swear and declare under penalty of perjury that the following statements are true and correct and in consistent with attached exhibits 1-10.

SECTION 1:

1. On Monday, July 23, 1985: Appellant personally came to court, reviewed both files and dockets and found the following:

a) FILE 84-7960: Appellant Petition for Rehearing was denied on July 18, 1985, evidenced by a Court Order signed by the Clerk without any reason indicated why.

b) FILE 85-6034: Docket marked "CLOSED" Entire File dismissed. Appellant letter dated and submitted to the court on the

next day, Tuesday, July 24, 1985, clearly stipulated issues on both files. (See attachment/exhibit 1)

2. On Tuesday, June 27th, 1985: Appellant wrote a letter raising the "Scheduling Order No.1 and pending Record on Appeal-File 85-6034. Court Clerk responded with a letter dated July 12, 1985, already alleged in Exhibit 1.

3. On March 12th, 1985: Appellant wrote to the clerk in Hartford, Connecticut, requesting them to transmit all original docket entries on H84773PCD (now 85-6034) to the Second Circuit, Foley Square. (See Attachment/Exhibit 3)

4. On February 11th, 1985: Appellant in a two page letter, formally notified attorneys on Appeal 84-7960 of her intentions to file Motions, clearly stated what kind. (See Attachment/exhibit 4)

5. On February 20th, 1985: Defense attorney who disclosed complaint docket

No.H84-773-PCD to Judge Dorsey on September 26, 1984, who also questioned appellant during Deposition Hearing of August 20, 1984, wrote a letter responding to Appellant letter.....No. 4 above. (See attachment/exhibit 5)

6. On February 20, 1985: Court Clerk, Elaine B. Goldsmith, wrote a letter responded also to appellant letter of February 11, 1985. This letter stopped appellant from filing motions outlined in her February 11, 1985 letter. One of which was a "MOTION FOR CONSOLIDATION" (See attachment/Exhibit 6.)

SECTION 2:

7. On October 3rd., 1984: Judge Dorsey ordered to transfer File H-84-773MJB fro Senior Judge, M. Joseph Blumenthal to his docket. (See attachment/exhibit 7)

8. On October 26, 1984: Appellant wrote a three page letter directly to the Judge (See attachment/exhibit 8)

9. On November 1st, 1984: Judge Dorsey replied to appellant letter as a "MOTION FOR RECONSIDERATION". (See attached/exhibit 9)

10. On October 22nd., 1984: Judge Dorsey ruled on Defendants "MOTION TO DISMISS". This "Memorandum of Law" was incorporated with the understanding that these two Civil Actions were meant to be consolidated together as one being that the Judge had control over the Disposition of both Law Suits in his DOCKET, prior to his ruling.

The AFFIDAVIT was prepared on Tuesday, July 30th., 1985, in the City of Manhattan, State of New York.

By:
Vaoahi Kealoha Boykin
Appellant Pro-se Litigant.

"EXHIBIT A" (REPLY BRIEF-DECLARATION)

353 W. 57th., St, #1273
New York, N.Y. 10019
October 21, 1983.

To: Peter Tyahla and Mr. Fisher,
c/o:Peter Tyahla
69 Anderson Drive
Clifton, N.J. 07013.

RE: Confirmation of our Telephone Conversation, Tuesday, 10/18/1983 in conjunction with my letter dated and sent to you 9/21/1983.

Attn: Peter Tyahla,

Copies of this letter including the previous one will be sent to all parties involved in the Transaction. Aside from that, the President of the United States, the Congress, the Senate and the News Media upon the advice and approval of my attorney.

I have been continuously lied to, misled, used and misrepresented by you. You have abused and insulted my intelligence. You made me sick.

You, Mr. Fisher and whoever behind all of this are no good citizen, have no morals

and getting away with murder. You are all acted like pre-madonnas, thinking you are all above GOD. Well, I got news for you since you left me with no choice. This Transaction left me financially destroyed, I have Zero. It took me three days to swallow the "Bad News" as you termed. I was never aware that all the hard works, efforts, times, monies, hopes, dreams and principle goals will ended up being destroyed and mutilated. It appeared that there was never any human element of respect, trust and honesty on your side from the beginning. You and Mr. Fisher and whoever ignored and abused the most sensitive part which is dealing with human feelings.

Well, "Bad News" to me is "Good News". It's the "Ending" and a "New Beginning". "Ending" means everything goes down the drain... you think, "New Beginning" means the "Truth" finally surfaced. This Truth

still remains to be "explored" for one simple reason that I refuse to acknowledgeand accept all your reasons behind it. I demand written, factual, truthful explanation immediately from you and Mr. Fisher to justify the issue which will give me total satisfaction providing it will make sense.

Your conflicting informations conveyed and confirmed over the Telephone are no grounds not to have the Transaction consummated in my belief. This is to me a cover-up, power play, dirty politic and pure bureaucracy. How can you and Mr. Fisher accussed and criminalized anybody behind their backs? I have heard you done it to me and several others, which I did not really care until now. I asked you what I should tell them, you said,'"Tell them nothing. I said, "But I got to tell them something because they are waiting". You then said, '"Keep friendly with them, don't make

enemies. Say that the Treasury are doing a deal right now"'. Can you imagine what you suggested me to do? To tell a lie, to misrepresent myself, to commit a raud and conspiracy. Well my friend, you better get it through your head once and for all that I cannot do what you wanted me to do.

I think it's about time that you and Mr. Fisher tell the Truth. Tell them that they are no good. That they have been to Washington D.C. and never get close to the front door of the Treasury and never will. Tell them that you all know who their lenders are and exactly where the monies come from and that all informations are in the Treasury Computer in Washington D.C.

There have to be a reason why you and Mr. Fisher don't like these people. You probably tried unsuccessfully to go direct and circumvent everybody including them

and they told you to go to hell. Well if that's the case, good for you. You should all learn your lesson that it pays to be straight instead of being manipulators.

How on earth this Trust/or Lender have been cleared, proved to be valid, confirmed that they have the funds, all of a sudden become nogood people. Do you expect me to believe that? No way, especially when we all fully understand that all they need is a official meeting which still pending from you and Mr. Fisher as per my letter dated 9/21/83. No wonder why you indicated that Fisher does not believe in giving anything in writing. Well, we all know that any legal and valid business has to be documentedunless it's a mafia operation and another abscam and you don't want to get caught. Baloney the so called "secrecy" Peter all of these things cloud my judg-

ment. We all know that the Government do need and borrow money and it's all over the newspaper as the Congress approved for the Treasury to increase their borrowing power to 1.6 Trillions U.S.D. I can only assume that the Transaction have been consummated or pending to be with the intentions to circumvent and not to pay the commissions to all of us who deserved of payment and guaranteed by Mr. Fisher four months ago.

Well Peter, it's too bad that we all ended up becoming enemies instead of being good allies.

I believe in what the President and his Administration wants to achieve, but it's very unfortunate that people like you and Mr.Fisher and whoever don't share his goal. (Stumbling Block)

Mr._____

I believe are all honorable and have integrity and could have contributed to the

enhancement of our economy as they wanted and have pursued for the last year or so. You may do what you want. I don't want to be harrassed by the Police or the F.B.I.. That will be too obvious. The truth to the matter is that I just don't care if it comes to that point, I am fully prepared to deal with it on any circumstances being that my life is at stake at this point.

It's cute you told me that you'll type the procedures and send me sothat I may bring in the other Lender group. Just to keep me off-track is n't it? It's good to know who the CHIEF and MR. TRUE BLUE is. Is n't it?

KAY BOYKIN.

*** It was mailed Certified Return Receipt No.P498362433, from Santa Monica, California, on October 24, 1983.
Mr. Tyahla personally signed and received this letter on October 27, 1983.

EXHIBIT "B" (REPLY BRIEF-DECLARATION)

353 W. 57th.St., #1273
New York, N. Y. 10019
Sept., 21st., 1983.

To: Peter Tyahla
69 Anderson Drive,
Clifton, N.J. 07013.

RE: Pending Confirmation of Meeting from you and Mr. Fisher/or U.S. Treasury Dept. W.D.C. with Mr. Poncet group as per our last Telephone Conversation, 9/14/83.

Dear Peter,

This letter is to really get down to the Truth and nothing but the Truth, providing you, myself and others all have the same goal i.e. To get the pending Transaction Consummated.

My last telephone call with the _____ _____two days ago to inform them of the pending situation revealed to me of their upsetness with the continuous delay, inconsistency and changing procedures. They can't understand why. They indicated that they have made strong decision to go on with

other genuine Business and keep the Government Transaction aside. They can only show eheir credibility to the principals inside the Department, nobody else.

They have indicated that th y will be ready to move subject to the following:

1. A Letter from Mr. Fisher or any Official of the United States Treasury on their letter-head inviting them to meet. The letter does not have to refer to anything of they don't want to.

2. That they can verify directly with the Signator of the letter that is valid.

3. Name the place, date and time of the meeting.

4. The meeting must and can only be held in the U.S.Treasury Department. (No attorney office, etc.,)

Now, in reference to the above, you said the followings:

1. Mr. Fisher and the others are back

from vacation and that they are all back at work.

2. That they are definitely still interested and want to proceed with the deal but they cannot be pushed since they justgot back from vacation.

3. That they are very slow and that you are waiting for them to give you the green light as well as the instructions before we can proceed, probably by next week.

Today is Thursday, and another week is gone without any progress. Everything is at stand still. Peter, I do hope that everything you have told me are facts because I don't want to believe different.

I have come this far, spending time and money not necessary to mention the frustration, humiliation and mental depressions caused by untrue and non-merital rumors hurting my reputation and

integrity and my livelihood by back-stabbers and male chauvanists who are only interested in their own selfish and crooked gains.

I want you and Mr. Fisher to get some facts straight that I have paid all expenses for the account of the Borrower side on all meetings in Connecticut, including $100.00 for Edward V.Fitzpatrick Train Fare. On top of that, I paid for Mike's Mortgage, 2 car payments, water & electric Bill including a Parking Violation Ticket in New York (1982),,not even account for gasoline, groceries, photocopies, Hospital T.V.Bill, Hospital parking garage fees,eetc...

In all fairness, I deserve equal right to know what's going on including some credit and equal share of commissions as originally agreed because I have done my best always, and I mean it.

Sincerely yours, KAY BOYKIN.

"EXHIBIT C": (REPLY BRIEF-DECLARATION)

By Peter Tyahla for Borrower Side, via TELEGRAM - 6/5/83, Spelled-out as follows:

> It is True Blue all the way in as I indicated in all my telephone conversations with you and Robert Suazo.
> Best Regards.

"EXIBIT D": *

By Peter Tyahla for Borrower Side, via TELEGRAM - 6/8/83 (8.53p.m.) spelled-out as follows:

> Re Telcon 6-8-83 Subject Commissions.
> This message confirms that Mr.True Blue authorizes me to confirm to him names, social security numbers under a Transaction Code. All are protected and guaranteed one half percent fee for all consultants and lodged with the Borrower's Department.
> True Blue guarantees all fees will be paid to each consultants one quarter percent to the Lender's side and one quarter percent to the Borrower's consultants as per payorder submitted.

* Cont. on next page.

> The irrevocable fee agreement can and should be part of the contract between Lender and Borrower at their first meeting. Fee for the first traunch will be paid within 30 days after first meeting and contract closing.

"EXHIBIT E":

By Lender's agent and representative, via TELEGRAM - 6/10-83 - spelled-out as follows:

> Acknowledgement and acceptance of 1/2 percent irrevocable fee-protectionfor all consultants, confirmation to you of the following. The irrevocable payorder to protect all consultants known to us under the Borrower's and Lender's Transaction Code can and should be inserted as an irrevocable part of this General Contract at the first meeting between principal and Lender. It is understood that 1/4 percent to the Lenders Consultants and 1/4 percentto the Borrower's Consultants. The Lenders are definitely in a position to commit and close Uncle Transaction.

"EXHIBIT F":

By Lender's Rep. via Telegram. Appellant Name/Social Security No. had been changed to comply with Borrower's Order.